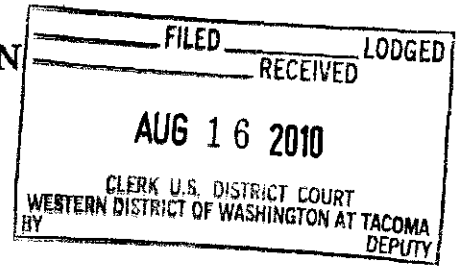


Q10-5577 KLS

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF WASHINGTON



DANNY SNAPP, *Pro Se*,

Plaintiff,

vs.

**UNITED TRANSPORTATION UNION,
and BURLINGTON NORTHERN
SANTO FE RAILWAY.**

Defendants.

Case No.

COMPLAINT
ADEA Violation; ADA
Violation

INTRODUCTION

Plaintiff Danny Snapp, "Snapp, brings this action due to defendants' violation of his civil rights.

I.
JURISDICTION and VENUE

1.1 This Court has jurisdiction in this action pursuant to 28 U.S.C. §1331, 42 U.S.C. § 1332, 28 U.S.C. 1343, *et seq.*, 1367 for any of his state law related claims.

1.2 As all events material to this Complaint occurred within the District of Washington, in substantial part, venue with this Court is proper pursuant to 28 U.S.C

COMPLAINT

TAC-7737

100d

§ 1391(b).

1.4 Plaintiff timely filed a claim with the Equal Civil Rights Division officed in Seattle, Washington.

II. PARTIES

2.1 Plaintiff is a are all resident of the state of Washington, County of Cowlitz. At all times material Plaintiff was between forty and seventy years of age.

2.2 Defendant Burlington Northern Sante Fe Railway is a resident of the state of Texas.

2.3 Defendant United Transportation Union is a resident of the state of Ohio.

III. STATEMENT OF FACTS

3.1 On March 3, 2008 Snapp was informed he had been discharged by defendant Burlington Northern Sante Fe Railway ("Burlington").

3.2 On May 18, 2009 Snapp sought placement on grounds that he had been discharged in March 2008.

IV. FIRST CLAIM FOR RELIEF (ADA Violation – Both Defendants)

4.1 Plaintiff restates and incorporates by this reference Paragraphs 1 through 3.

COMPLAINT

4.2 Defendants discriminated against Snapp, in violation of the Americans with Disabilities Act, in one or more of the following ways:

- (a) By failing to engage in the interactive process in good faith;
- (b) By failing to reasonably accommodate him;
- (c) By treating him differently than similarly situated non-disabled employees; and/or
- (d) By discharging him because of his disability due to his need for accommodation, and/or because it perceived him to be a disabled person, or having a record of having a disability.

4.3 As a result of Defendants' conduct, Snapp incurred economic damages due to loss of back pay, front pay, lost benefits and rights of seniority in an amount to be proven at trial.

4.4 As a further result of Defendants' conduct, Snapp suffered non-economic damages due to his emotional distress, mental stress, pain and suffering, inconvenience, humiliation, and loss of the enjoyment of life in a sum to be proven at trial.

4.5 Defendants' conduct was malicious or demonstrates reckless indifference to Snapp's rights, entitling him to an award of punitive damages.

4.6 Snapp is entitled to his reasonable costs, attorneys' and expert witness

COMPLAINT

fees.

V.

SECOND CLAIM FOR RELIEF

(Age Discrimination in Employment Act-Both Defendants)

5.1 Snapp, for his Second Claim for Relief, incorporates by reference his allegations contained in Paragraphs 1 through 3, and additionally alleges:

5.2 A motivating factor in Defendants' decision to discharge Snapp was his age.

5.3 Defendants were at all times material aware of the requirements of the Age Discrimination in Employment Act, and willfully violated that Act.

5.4 Due to Defendants' Kaiser's conduct, Snapp has incurred economic damages in an amount to be proven at trial.

5.5 Snapp is entitled to liquidated damages.

5.6 Snapp is entitled to recover his reasonable attorney fees and litigation expenses.

WHEREFORE, Plaintiff prays for judgment in his favor and against

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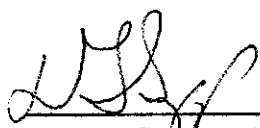
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COMPLAINT

Defendants, claiming damages as set forth above.

DATED this 16th day of August 2010.

PLAINTIFF DEMANDS A TRIAL BY A JURY.



Danny Snapp, *Pro Se*

P.O. Box 2538

Longview, WA

98632

360-636-7024

COMPLAINT